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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,494	10/16/2003	Marc Husemann	tcsa AG 1615-WCG	9053
27386	7590	11/17/2005	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			LIPMAN, BERNARD	
			ART UNIT	PAPER NUMBER
			1713	

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/687,494  
Filing Date: October 16, 2003  
Appellant(s): HUSEMANN ET AL.

**MAILED**  
NOV 17 2005  
**GROUP 1700**

Norris McLaughlin & Marcus, P.A.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 22 August 2005 appealing from the Office action mailed 18 January 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Husemann et al US 2003/0013790A1 or US 2003/0073767A1 or U. S. Patent 6,765,078.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

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either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 1-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO/0039233.

#### **(10) Response to Argument**

Appellants' arguments and the position taken in the rejections of record focus exclusively on the meaning of the term "moulding". Appellants insist that the term as understood in the art is restricted to physical entities of different structure than those produced in coating a film onto a substrate. The fact that appellants produce their "moulding" by coating a substrate has been presented but appellants insist that their "moulding" must contain multiple layers and is substantially thicker than the film produced by coating in the references to Husemann et al. This limitation is not in the claims. The appellants further argue that the reference WO/0039233 ('233) does not produce a "moulding" when it teaches compressing adhesive between two release surfaces. The narrow meaning of "moulding" insisted on by appellants to argue patentability of their claims is simply not as broad as one of ordinary skill in the art would accept. The fact that the specification exemplifies a method that produces thicker products than the prior art is not (and should not be) read into the claims. The method taught in '233 clearly reads on "compression moulding". The term "moulding", therefore, cannot be construed to exclude the teachings of the references cited. The rejections

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under 35 USC 102 are, therefore, proper, and affirmation of these rejections is respectfully requested.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




Bernard Lipman  
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Conferees:



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James Seidlick  
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